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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,778	07/18/2000	James P. Murphy	JJ001	8792

7590 05/25/2005  
James P Murphy, Esq  
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EXAMINER

NALVEN, ANDREW L

ART UNIT PAPER NUMBER

2134

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/618,778	MURPHY ET AL.	
	Examiner	Art Unit	
	Andrew L. Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11 and 13-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-20, 22-28 is/are rejected.
- 7) ☒ Claim(s) 21, 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-4, 6-11, 13-28 are pending.
2. Amendment submitted 14 June 2004 has been entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 7-11, and 13-16, 19, 22-24, 27-28 have been considered but are not persuasive.
4. Applicant's arguments with respect to claims 6, 17-18, 20, and 25-26 have been considered but are moot in view of the new grounds of rejection.
5. Applicant has argued on page 8 with regards to claims 1, 8 and 14 that the combination of Weyer and Guedalia fails to teach "obtaining working queries from a working query server and adding the additional working queries to a database of working queries in the access control system." Examiner respectfully disagrees. Examiner has relied upon Guedalia to teach obtaining data from a remote server and adding the data to a database in the local system. Hence, Examiner has only relied upon Guedalia to teach the underlying functionality of data transfer between a remote database and a local database. Weyer teaches an electronic entertainment device with multiple working query databases (Weyer, column 4 lines 5-7, 3 Question Databases), but fails to teach the transfer of questions between the databases. Guedalia cures this defect. Thus, Examiner maintains that Weyer as modified by Guedalia teaches "obtaining working queries from a working query server and adding the additional

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working queries to a database of working queries in the access control system (Weyer, column 4 lines 5-7, Guedalia, column 5 lines 36-46).

6. Applicant has argued on page 9 that Weyer and Ho(1) fail to teach a supervisor hierarchy comprising a highest level of authority for a parent and a secondary level of authority for a child. Examiner respectfully disagrees. Ho(1) teaches a hierarchy composes of two levels: a highest level that is capable of making configuration changes (Ho(1), column 5 lines 1-26) and a lower level that is not allowed to make any changes (student). The lower level authority level for the student allows a student to acquire rewards they have earned, but provides no ability to change configurations.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 7-8, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120.

Weyer discloses a means for adding educational enhancements to computer games.

Guedalia discloses a method for providing online interactivity over a server client network.

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9. With regards to claims 1, 8, 14, 21, Weyer teaches a processor (Weyer, column 2 lines 1-3), a memory comprising instructions for execution by the processor (Weyer, column 2 lines 1-7), instructions for periodically presenting a set of working queries during execution of an entertainment application (Weyer, column 2 lines 20-23 and 50-54), instructions for accepting answers to the working queries (Weyer, column 3 lines 8-14), and allowing access to the entertainment software application based on the answers (Weyer, column 3 lines 14-21). Weyer fails to teach the obtaining of additional working queries from a working query server and adding the additional working queries to the database of working queries on the access control system. Guedalia teaches the obtaining of additional data from a data server and adding the additional data to the database in the access control system (Guedalia, column 5 lines 36-46, additional data is added to the local client database from the server computer). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Guedalia's method of adding additional data to a local database from a remote database with Weyer's educational game because it offers the advantage of allowing a client to automatically receive data necessary for a client application (Guedalia, column 2 lines 58-62).

10. With regards to claim 7, Weyer as modified teaches instructions for pausing the entertainment software package before presenting the set of working queries (Weyer, column 2 lines 50-53).

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11. Claims 2-3, 9-10, 13, 16, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120, as applied claims 1, 8, and 14 above, and in further view of Ho et al US Patent No. 5,743,746 (Ho(1)).

12. With regards to claims 2-3, 9-10, and 16, Weyer as modified above teaches a time period for allowing access to the entertainment software package (Weyer, column 2 lines 24-31), but fails to teach the time period for access to the entertainment software being derived from the answers or the time period increasing. Ho teaches an increasing reward based upon an increasing number of correct answers (Ho(1), column 12 lines 54-57) that may be placed toward the playing of a game (Ho(1), column 6 lines 50-58). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of increasing rewards because it offers the advantage of encouraging students to work harder and perform better in order to achieve the rewards (Ho(1), column 1 lines 19-39).

13. With regards to claim 13, Weyer as modified above fails to teach the identification of the user of the electronic amusement device. Ho teaches software instructions for identifying a current user wherein the set of working queries is based upon the user (Ho(1), column 9 line 60 – column 10 line 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of user identification to specifically tailor questions because it offers the advantage of allowing questions to focus on the skill level of the user's age group (Ho(1), column 9 lines 65-67).

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14. With regards to claim 22, Weyer as modified fails to teach the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy. Ho teaches the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy (Ho(1), column 5 lines 1-26, instructor is authenticated before having access to milestone setter). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of controlling access because it offers the advantage of only allowing authorized instructors or parents to set rewards for a student's achievement in an educational game (Ho(1), column 1 lines 51-63).

15. With regards to claim 23, Weyer as modified teaches the highest level of authority for a parent (Ho(1), column 5 lines 1-26, father) and a secondary level of authority for a child (Ho(1), column 13 lines 30-41).

16. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120 as applied to claims 1, 8, and 14 above, and further in view of Lappington et al US Patent No. 5,734,413.

17. With regards to claim 6, Weyer as modified fails to teach custom queries. Lappington teaches working queries including custom queries written by a local control system supervisor (Lappington, column 13 lines 15-35, create question). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to

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utilize Ho's method of writing working queries because it offers the advantage of providing a simple method of creating question based interactive programs that requires little or no programming skill (Lappington, column 3 lines 41-45).

18. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120, as applied claims 1, 8, and 14 above, and in further view of Thacher et al US Patent No. 5,083,271.

19. With regards to claim 20, Weyer as modified fails to teach instructions for accessing working query scoring and statistics data gathered and summarized across a geographic region on the working query server. Thacher teaches instructions for accessing working query scoring and statistics data gathered and summarized across a geographic region on the working query server (Thacher, column 9 lines 50-60). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Thacher's method of providing statistics with Weyer as modified because it offers the advantage of allowing tournament style games to be played across a wide geographic area (Thacher, column 1 lines 50-67).

20. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120, as applied claim 8 above, and in further view of Yuen et al US Patent No. 5,716,273.



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21. With regards to claim 24, Weyer as modified fails to teach the obtaining of queries comprising purchasing queries. Yuen teaches the obtaining of queries comprising purchasing queries (Yuen, column 10 lines 5-20, pay for play). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Yuen's method of requiring purchasing of queries with Weyer as modified because it offers the advantage of ensuring the provider of the educational information of repeat business and continued revenues (Yuen, column 5 line 57 – column 6 line 3).

22. Claims 25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Ho et al US Patent No. 5,743,746 (Ho(1)) and Thatcher et al US Patent No. 5,083,271.

23. With regards to claim 25, Weyer teaches a storage medium (Weyer, column 2 lines 1-15), an access control application stored on the storage medium (Weyer, column 2 lines 15-23) with instructions for determining that an access control program is executing (Weyer, column 2 lines 32-40), presenting a working query in response to determining that an access control program is executing (Weyer, column 2 lines 32-54, displays question), accepting an answer to the working query (Weyer, column 3 lines 12-17), and determining whether to permit access to the access controlled program based on the answer (Weyer, column 3 lines 12-22, game allowed to continue). Weyer fails to teach the determining of scoring data based on the answer and accessing comparison working query scoring data gathered on a working query server. Ho teaches locally determining working query scoring data based on the answer (Ho(1),

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column 10 lines 5-13) and Thacher teaches accessing comparison working query scoring data gathered on a working query server (Thacher, column 9 lines 50-60). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho and Thacher's method of providing statistics with Weyer as modified because it offers the advantage of helping the instructor to be more aware of the strengths and weaknesses of the students (Ho(1), column 1 lines 51-63) and allowing tournament style games to be played across a wide geographic area (Thacher, column 1 lines 50-67).

24. With regards to claim 27, Weyer as modified fails to teach the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy. Ho teaches the establishing of a supervisor hierarchy and controlling access to configuration options for the access control application based on the supervisor hierarchy (Ho(1), column 5 lines 1-26, instructor is authenticated before having access to milestone setter). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of controlling access because it offers the advantage of only allowing authorized instructors or parents to set rewards for a student's achievement in an educational game (Ho(1), column 1 lines 51-63).

25. With regards to claim 28, Weyer as modified teaches the highest level of authority for a parent (Ho(1), column 5 lines 1-26, father) and a secondary level of authority for a child (Ho(1), column 13 lines 30-41).

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26. Claims 4, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120 as applied to claims 1, 8, and 14 above, and further in view of Ho et al US Patent No. 5,743,743 (Ho (2)).

27. With regards to claims 4, 11, and 15, Weyer as modified above fails to teach instructions for monitoring a task list of applications to identify entertainment software. Ho teaches instructions for monitoring a task list of executing applications and identifying execution of entertainment software applications based on the task list (Ho (2), column 10 lines 5-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of monitoring task lists of executing applications with Weyer as modified because it offers the advantage of ensuring a student is not distracted by entertainment materials on a computer by forcing the student to focus on the student materials available (Ho (2), column 1 line 66 – column 2 line 2).

28. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Guedalia US Patent No. 5,968,120 as applied to claim 14 above, and further in view of Walker et al US Patent No. 6,193,606.

29. With regards to claim 17-18, Weyer as modified fails to teach the termination of the entertainment software package based on the answers. Walker teaches the termination of the entertainment software package based on the answers (Walker, column 12 lines 29-45, consecutive correct answer does not meet threshold). At the

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time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Walker's method of terminating software due to incorrect answers with Weyer as modified because it offers the advantages of allowing a successful player to access higher rewards and preventing a successful player from achieving higher rewards (Walker, column 2 lines 58-67).

30. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572, Guedalia US Patent No. 5,968,120, Ho (2) et al US Patent No. 5,743,743, as applied to claim 18 above, and further in view of Ho (1) et al US Patent No. 5,743,746.

31. With regards to claim 19, Weyer as modified above fails to teach the identification of the user of the electronic amusement device. Ho teaches software instructions for identifying a current user wherein the set of working queries is based upon the user (Ho, column 9 line 60 – column 10 line 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of user identification to specifically tailor questions because it offers the advantage of allowing questions to focus on the skill level of the user's age group (Ho, column 9 lines 65-67).

32. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 and Ho (1) et al US Patent No. 5,743,746, as applied to claim 25 above, and further in view of Walker et al US Patent No. 6,193,606.

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33. With regards to claim 26, Weyer as modified fails to teach the termination of the entertainment software package based on the answers. Walker teaches the termination of the entertainment software package based on the answers (Walker, column 12 lines 29-45, consecutive correct answer does not meet threshold). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Walker's method of terminating software due to incorrect answers with Weyer as modified because it offers the advantages of allowing a successful player to access higher rewards and preventing a successful player from achieving higher rewards (Walker, column 2 lines 58-67).

***Allowable Subject Matter***

34. Claims 21 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

35. With regards to claim 21, the cited prior art fails to teach or suggest the claimed limitation of exchanging selected working queries and answers through a working query exchange server.

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36. With regards to claim 29, the cited prior art fails to teach or suggest the claimed limitation of exchanging selected working queries and answers through a working query exchange server.


### ***Conclusion***

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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